

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION**

FODS, LLC,	)	
	)	
Plaintiff,	)	
	)	
	)	
v.	)	Civil Action No.: 1:23-cv-00059-MR
	)	
LOW IMPACT	)	
TECHNOLOGIES USA,	)	
INC. and D&D	)	
MANUFACTURING, LLC,	)	
	)	
Defendants.	)	

**DEFENDANTS' MOTION FOR EXTENSION OF TIME  
TO ANSWER OR OTHERWISE RESPOND TO THE COMPLAINT**

Pursuant to Rule 6(b) of the Federal Rules of Civil Procedure and Local Rule 7.1, Defendants Low Impact Technologies USA, Inc. and D&D Manufacturing, LLC (together “Defendants”), by and through their undersigned counsel, hereby respectfully move the Court for a final extension of time of twenty-one (21) for Defendants to answer or otherwise respond to Plaintiff’s Complaint (Dkt. No. 1). In support of this Motion, Defendants state as follows:

1. Plaintiff filed its Complaint on March 8, 2023. *See* Dkt. No. 1.
2. Defendants were served with the Complaint on June 5, 2023. *See* Dkt. Nos. 5 and 6.
3. On June 13, 2023, the Court granted Defendants’ request for an

extension of time to answer or otherwise respond to Plaintiff's Complaint.

Defendants' answer or other response is currently due on July 17, 2023.

4. Before and since service of the Complaint and the Court's June 13, 2023 Order, the parties have been working diligently to reach a potential settlement, including negotiating a term sheet. Additional time is necessary to determine if the parties can reach a resolution of the case.

5. Further, Defendants have recently retained undersigned counsel from Williams Mullen. Counsel will require additional time to analyze the Complaint and claims and to prepare any response if such a response is required. Undersigned counsel has competing deadlines in two other matters seeking preliminary injunctions and a Third Circuit appeal.

6. Counsel for Defendants conferred with counsel for Plaintiff regarding this request for extension of time. Plaintiff's consent to a 10-day extension, but not to the 21-day extension requested. Defendants do not believe 10 days is sufficient under the circumstances.

7. This Motion is made for good cause and is not made for the purpose of delaying these proceedings.

**WHEREFORE**, Defendants respectfully request that the Court grants this Motion and that the deadline for Defendants to file their Answer or otherwise respond to the Complaint be extended twenty-one days (21) days up to and

including August 7, 2023.

This 13th day of July 2023.

Respectfully submitted,

**WILLIAMS MULLEN**

By: /s/ Robert C. Van Arnam

N.C. Bar No. 28838

Attorney for Defendants

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*Counsel for Defendants Low Impact  
Technologies USA, Inc. and D&D  
Manufacturing, LLC*

## **CERTIFICATE OF SERVICE**

This is to certify that on this the 13<sup>th</sup> day of July 2023, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to all counsel of record.

By: /s/ Robert C. Van Arnam

N.C. Bar No. 28838

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